



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-eighth session

Summary record of the 1946th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Friday, 16 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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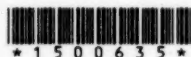
Combined third to fifth periodic reports of the United Republic of Tanzania
(*continued*)

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The meeting was called to order at 10.05 a.m.

Consideration of reports by States parties (continued)

Combined third to fifth periodic reports of the United Republic of Tanzania (continued) (CRC/C/TZA/3-5 and CRC/C/TZA/Q/3-5)

1. *At the invitation of the Chairperson, the delegation of the United Republic of Tanzania resumed places at the Committee table.*
2. **Ms. Chana** (United Republic of Tanzania), replying to a number of questions raised at the 1944th meeting, said that industrial investment was regulated by the Tanzania Investment Act as well as by national and local by-laws which required that consideration be given to an investment's impact on the environment and residents of the area concerned. Investment policy laid down guidelines covering, inter alia, the mining sector. The Tanzania Social Action Fund made provision for a long-term scheme designed to increase the income of families with vulnerable children. A child protection committee had been established in every district, and labour inspectors checked on conditions in mines. The public-private partnership policy required companies to show that they assumed corporate social responsibility, for example by funding schools, water and electricity supplies or health facilities in the area in which they were located.
3. Members of the police were trained to handle cases involving child victims and children in conflict with the law. To that end, a standard operating procedure had been devised to guide police officers on how to deal with children in police custody without resorting to corporal punishment. Instances of mob justice were under investigation.
4. Dispensaries were being built in every village in an effort to reduce maternal mortality. Solar panels were being installed in primary health-care units in order to provide them with a reliable source of electricity. There were plans to increase community-based services, invest in the care of newborn babies, build the capacity of health-care workers in that sphere and provide medical equipment and supplies. Obstetric care was being scaled up by permitting assistant medical officers to perform surgery. Delivery services were provided free of charge. The law required all children to be immunized soon after birth in order to reduce infant mortality rates; vaccinations were provided free of charge. National health insurance had been introduced, and community health funds had been set up.
5. Community radio was used to convey the message that female genital mutilation and early marriage were wrong. The Ministry of Community Development, Gender and Children and the United Nations Children's Fund (UNICEF) had trained community development and social welfare workers to prepare community radio programmes on the subject. A mass media campaign against child marriage had been launched in August 2014.
6. Guidelines had been issued and regulations had been adopted in order to ensure that children's homes were registered and run in accordance with the law. Minimum operating standards had been distributed to every district. All districts had social welfare workers who periodically inspected residential homes in order to ensure that they complied with those standards and with child protection regulations. Children's homes were registered with the Ministry of Social Welfare.
7. The regulations on adoption which had been passed in 2012 also encompassed adoption procedures. Regulations on preschool and day-care centres had been adopted in 2012. Although school enrolment rates had dropped between 2010 and 2012, they had risen again in 2013 and 2014. Fees for State primary and secondary schools would be abolished in 2015. Secondary schools would be built in every ward. Folk development colleges and vocational colleges would be opened in every region to cater for young people in rural areas who were more inclined to study scientific and technical subjects.

8. In Zanzibar, girls who had given birth were reinstated in school three months after delivery. On the mainland, no child could be expelled from school on any grounds whatsoever, including pregnancy. Alternative education was another option open to pregnant teenagers. Administrative and legal sanctions could be imposed on teachers who fathered children on schoolgirls. Under the revised code of ethics and conduct, a teacher was liable to prosecution for any violation of a schoolchild's rights and could be dismissed and banned from teaching for life. A guide on the protection of schoolchildren had been drawn up.

9. In order to overcome the shortage of teachers, the Government provided trainee teachers with loans which completely covered their tuition fees. Teachers were guaranteed employment when they graduated, and homes were built for teachers in rural areas. Those working in remote areas also received a special allowance and various extra ancillary benefits. In addition, teachers could obtain loans on preferential terms. The ratio of teachers to pupils had improved in the period from 2012 to 2014 as a result of those measures. A change in teaching methodology had made it possible to reduce the number of books required in the classroom. Many schools had started to use learner-centred methods which allowed children to participate in planning classroom activities. The pass rate had improved significantly as a result of investment in parents' supplementary studies and the use of participatory methods.

10. During World Breastfeeding Week, seminars were held to raise awareness of the importance of breastfeeding and the consequences of not doing so. Trainers were trained to show mothers living with HIV/AIDS how to breastfeed without transmitting the virus. Other activities focused on familiarizing mothers with the International Code of Marketing Breast-milk Substitutes. The role of the High-Level National Nutrition Steering Committee was to ensure that every district had a nutrition focal point and that the district council allocated resources to nutrition programmes to avoid malnutrition caused by protein deficiency.

11. Her country maintained a register of persons with disabilities. The Law of the Child Act of 2009 and the Children's Act of 2011 emphasized the need to protect children with disabilities. A community awareness-raising programme, inclusive education and the increased enrolment of specialized teachers were all means to that end. Role-play and mass media campaigns were used to heighten awareness of the need to counter the stigmatization of people living with HIV/AIDS. The Government had issued guidelines to parents to enable them to identify children with special needs at the earliest possible stage. Figures on school attendance by children living with disabilities were contained in Annex 7 to her country's report.

12. Families could receive support from microfinance programmes and unconditional cash transfers through various different projects in order to help children leave mining and engage in other activities.

13. A five-year strategy had been introduced to reform juvenile justice. A community rehabilitation programme had been established, young people could be placed on probation, and any premises could be used for juvenile courts. The Drug Control Commission had been set up to address the problem of drug abuse among young people, and sober houses had been established to help them to kick the habit. Drug abuse was an offence for which bail was not granted. Children participated, through children's councils, in helping to persuade street children to end a life of vagrancy and had also contributed to the study leading to the community plan of action.

14. The Law of the Child Act, the Children's Act and the Broadcasting Act all prohibited child pornography. An anti-trafficking committee had been set up and a road

map and an action plan had been devised for the period 2011–2015, as part of measures to implement the Anti-Trafficking in Persons Act.

15. **Mr. Cardona Llorens** said that, as the implementation of legislation depended on the availability of sufficient economic, human and material resources for that purpose, he wished to know what budget had been allocated to the various awareness campaigns mentioned, and what resources had been earmarked for eliminating the stigmatization of persons living with HIV/AIDS. What specific training in inclusive education was given to teachers? How many specialized teachers were employed in schools? What investment had been made to adapt schools to the needs of pupils with disabilities?

16. **Ms. Winter** asked whether there was any programme to guarantee the basic human rights of girls in refugee camps. Was there any possibility that the legislation would be revised to shorten periods spent in pretrial detention? Could the highly successful community rehabilitation programme run by the Department of Social Welfare in one province be extended to other provinces? Were there any plans to have that department take over all juvenile detention centres? She requested data on children in street situations and asked whether there was any possibility of reuniting such children with their families.

17. **Ms. Oviedo Fierro** wished to know how mothers who gave birth without medical assistance could be taught how to breastfeed correctly. What measures were taken to regulate the sale of infant formulas, and to inform mothers how to choose the most appropriate breast-milk substitute?

18. **Mr. Gurán** requested more information on programmes to support preschool education. What was the status of the Children's Ombudsperson?

19. **The Chairperson** emphasized the benefits to mother and child of breastfeeding within a short time of delivery and asked whether any initiatives had been taken to support breastfeeding from birth for a full two years. Did health professionals receive training in that respect? What measures were in place to implement the International Code of Marketing of Breast-milk Substitutes? Were there any controls on the advertising and marketing infant formula? Could infant formula be advertised in hospitals? In addition, she asked the delegation to indicate the coverage provided by skilled attendants at birth, and whether traditional midwives received any training to assist with home births. What programmes were in place to facilitate access to family planning services?

20. **Mr. Mezmur** asked whether the law explicitly prohibited the expulsion of pregnant girls from school. Was it true that compulsory pregnancy tests were carried out on girl pupils? He wished to know how many children had been imprisoned with their parents. Could children visit their parents in prison?

21. **Mr. Cardona Llorens**, referring to reports that large numbers of albinos had been murdered, dismembered and eaten and that albino children were sometimes singled out for special punishment, enquired whether practical steps had been adopted to eradicate such practices and, also, to end the stigmatization of albinos.

22. **The Chairperson** said that adolescent girls' education was often interrupted due to pregnancy. She wished to know whether adolescents had access to confidential health services, and whether they could obtain contraceptives without being accompanied by their parents. Confidential, child-friendly health services, including HIV/AIDS testing, should be provided.

23. **Ms. Khamis** (United Republic of Tanzania) said that the Government did not provide condoms or contraceptives for adolescents, but was trying to raise awareness of ways to prevent HIV/AIDS and pregnancy.

24. **Mr. Missani** (United Republic of Tanzania) said that the Government had developed child protection guidelines that banned compulsory pregnancy tests for girl pupils and that teachers were being trained in the application of those guidelines. Furthermore, health education was provided to adolescent girls to help prepare them for the changes associated with puberty, and counsellors were available to assist them.
25. Referring to a question posed by Mr. Gurán, he said that the Government offered grants to support children in preschool education. It had also issued national guidelines on early childhood development programmes and preschool education with a view to regulating programmes offered by private and faith-based organizations.
26. In response to various issues raised by Committee members, he said that various programmes and campaigns had been established to raise mothers' awareness of the benefits of breastfeeding and to teach them how to breastfeed correctly. Both the Tanzanian Food and Drugs Authority (TFDA) and the Tanzania Bureau of Standards regulated and screened food for children and infants. Moreover, the TFDA encouraged mothers to breastfeed rather than use infant formula.
27. Children whose parents were in prison would either be placed in designated facilities that offered them comprehensive services or be sent to live with relatives who would care for them. Lastly, the Government was working with NGOs to help street children reunite with their families, return to school or attend folk development colleges for further vocational training.
28. **The Chairperson** asked whether training was provided to traditional birth attendants. Noting that maternal mortality was an issue, she wished to know how the Government ensured that mothers who gave birth at home did so safely.
29. **Mr. Missani** (United Republic of Tanzania) said that traditional birth attendants received training, but that women were encouraged to deliver in health centres or clinics where they could receive proper care.
30. **Mr. Gurán** invited the delegation to specify the duration of the period for which grants were provided to children enrolled in preschool education.
31. **Mr. Missani** (United Republic of Tanzania) said that preschool education lasted for two years and that the grants funded learning and teaching materials.
32. **Mr. Daud** (United Republic of Tanzania), addressing the issue of pretrial detention, said that the Government recognized that children in detention required protection and was trying to raise awareness in that regard among law enforcement officials. The Juvenile Offenders Act was being reviewed to ensure that children were placed in detention only as a last resort, and efforts were under way to streamline proceedings so that children were not detained for more than 6 months.
33. A prison register had been developed that would help the Government to monitor the number of children who were in prison with their parents. Moreover, the child protection system was being reformed in order to ensure that such children had access to normal services.
34. With regard to the education of pregnant girls, he said that some parents worried that their daughters would be stigmatized at school because of their pregnancy. The Government was trying to raise awareness of that issue and to help girls attend the school of their choice after delivery.
35. **Ms. Mayao** (United Republic of Tanzania), referring to questions raised by Ms. Winter, said that a study in 2012 had shown that the Government had managed to reunite more than 500 street children with their families. With respect to children held in pretrial detention for long periods, the delays in proceedings were often due to a lack of evidence.

Her delegation had taken note of the Committee's concerns in that connection and her Government would take appropriate measures.

36. **Ms. Winter** said while any improvements to the system of gathering evidence would be welcome, the Government should also consider alternatives to pretrial detention, such as diversion programmes.

37. **Ms. Mayao** (United Republic of Tanzania), with reference to questions raised by Mr. Cardona Llorens, said that the Government had commissioned a study on crimes against persons with albinism and that the public prosecution service had verified only 54 cases. In those cases, 36 persons with albinism had been killed, 12 had survived, 2 had been injured, 2 had escaped attempted trafficking and 2 had disappeared. Five of the perpetrators had been sentenced to life imprisonment, 8 suspects were still under investigation and another 17 were before the courts.

38. **Ms. Winter** said that the issue of albinism was a significant problem that was undermining respect for the country in the rest of the world. The real issue seemed to be the belief that ingesting flour made of the bones of persons with albinism brought wealth and good fortune; until such beliefs were addressed, the problem would not stop. Was the Government taking action to combat those superstitions?

39. **Ms. Mayao** (United Republic of Tanzania) said that the Government was trying to raise awareness in the relevant regions in order to change people's attitudes and encourage them to report any suspicious activity. It continued to face challenges, however, including the fact that families would sometimes conceal evidence.

40. **Mr. Mezmur** said that according to unconfirmed sources, private schools were flourishing and were not sufficiently regulated, which might undermine the provisions of articles 28 and 29 of the Convention. He wished to know how the Government regulated private schools, and whether schools could ask for contributions or charge students for supplies such as uniforms, which might prevent parents from being able to send their children to school.

41. **The Chairperson** asked how the issue of female genital mutilation was being addressed and said that a comprehensive approach was needed. She also wished to know how discrimination against children with albinism was being dealt with. Noting that children with albinism were sometimes placed in protective shelters, she asked whether they could choose to remain with their families and still receive protection. Finally, she asked what steps were being taken to tackle underage marriage, which had a significant impact on girls.

The meeting was suspended at 11.35 a.m. and resumed at noon.

42. **Ms. Chana** (United Republic of Tanzania) said that the largest budget allocation for 2013/14 had been to education. Primary and secondary State education was free, and private education was available at all levels. However, all pupils followed the same nationally-set curricula and sat the same exams. The Government was considering harmonizing fees for private institutions.

43. **Mr. Missani** (United Republic of Tanzania) said that most teachers in the private sector were returning to public schools, as the Government was increasing salaries and offering better benefits compared to private schools.

44. **Ms. Chana** (United Republic of Tanzania) said that her country had a comprehensive approach to combating female genital mutilation. That approach included identifying likely practitioners and raising awareness among them about the dangers involved, including through training given by police working on gender issues. It also included asking those who had been persuaded to stop performing female genital mutilation

to persuade others to stop, providing alternative sources of income for practitioners, criminalizing the practice under the Criminal Code and prosecuting offenders through the courts. Lastly, children were encouraged to report instances of female genital mutilation to the authorities.

45. Efforts to prevent violence against children with albinism included banning witchcraft, in order to address the belief perpetuated by fortune tellers that obtaining the body part of a child with albinism could bring prosperity, and organizing secret ballots to allow local inhabitants to identify fortune tellers to the authorities. Reprisals by the families of persons with albinism who had been attacked were prevented through the compulsory relocation of suspected fortune tellers. In addition, a form of community policing known as "participatory security and protection" had been introduced, in which groups of young people were directed to ensure the security of particular streets or areas. At the same time, shelters were provided for children with albinism and albinism-related violence was established as a criminal offence. Prosecutions to date had resulted in the imposition of life sentences and the death penalty. The death penalty had a deterrent effect, which stood as an argument against those who campaigned to ban capital punishment.

46. The Constitution had been amended to define a child as someone under the age of 18 years. It was hoped that other legislation would be amended in line with this definition. The marriage of persons under that age was not allowed in churches or registry offices. Underage marriage therefore happened only in the context of unofficial, traditional or clandestine marriages. The delegation would welcome the Committee's advice on how to address the challenges posed by the fact that persons under the age of 18 years did engage in sexual activity but were not allowed to marry.

47. **Mr. Cardona Llorens** said that capital punishment was unjustifiable in all cases. The Committee would never call for the death penalty, including for crimes committed against children.

48. The Committee had watched a film about shelters for children with albinism in the State party; its depiction of child neglect had made some members of the Committee cry. The State party must ensure better monitoring of such shelters.

49. **Ms. Chana** (United Republic of Tanzania) said that the delegation would inspect some such shelters on its return to Tanzania. It would also ensure more frequent monitoring, so that the rights of children living in shelters were respected.

50. **The Chairperson** said that the aim should also be to reunify children in the shelters with their families when it was safe to do so.

51. **Mr. Missani** (United Republic of Tanzania) said that in order to reduce the numbers of unqualified staff in preschool education, the Government had opened six State-run colleges and had recognized some private institutions, all of which trained staff in early years education.

52. **Mr. Mezmur** said that, during parliamentary debates prior to the enactment of the Law of the Child Act, it had been proposed that provisions to regulate certain police activities should be included, especially in relation to dealing with street children. Now that the Act was in force, what action had been taken to prevent law enforcement officials from mistreating children?

53. **Mr. Missani** (United Republic of Tanzania) said guidelines had been developed to help change the way police worked with children. More than 400 officers had received training on working with children to date; that training was continuing, especially for those in regular contact with children. The Government had run training sessions on the Law of the Child Act for law enforcement staff in five areas of the country; those who had been trained had passed on their knowledge to colleagues. In addition, the Act had been

translated into Kiswahili, and a child-friendly version had been produced in cooperation with UNICEF.

54. **Mr. Mezmur** said in conclusion that he wanted to thank the delegation for its answers. The fact that the delegation included ministerial-level representation would ensure that the Committee's recommendations were heard in political circles and acted upon.

55. Both the legislative and non-legislative action taken recently had been positive. It was encouraging that the Law of the Child Act and the Children's Act were in force on the mainland and in Zanzibar, respectively. However, much remained to be done to implement the Convention. He asked whether implementation, resource allocation and evaluation might be improved if human rights policy were made a union matter.

56. Strong political will had been shown in the production of a recent study on violence against children; it was important that the impetus generated by that report was maintained.

57. There was concern over whether the budget increases allocated to children's issues would be incremental in real terms, especially when considered alongside increases in GDP and the challenges posed by the fact that over 50 per cent of the population was under 18 years of age.

58. There remained room for significant improvement in birth registration. The Committee would also like to see further progress towards the prevention of corporal punishment, although the most recent universal periodic review had indicated that encouraging progress had been made. The seven African countries that had already explicitly banned corporal punishment might provide useful insights.

59. The State party was clearly aware of the issue of albinism, which was being discussed at various international bodies including the Human Rights Council. Resolutions from those bodies could help to improve matters further for the children affected, as could the effective implementation of the national ban on witchcraft.

60. With regard to increasing the funding of health care for children, he observed that it was for the Government to tackle that issue collectively.

61. Lastly, he noted that the issues raised regarding juvenile justice during the dialogue had included violence against children in conflict with the law and children in prison with their mothers.

62. **The Chairperson** said that however good government programmes were, only the engagement of families and the wider community would lead to effective implementation of the Convention.

63. **Ms. Chana** (United Republic of Tanzania) said that the Government was determined to review the issues that could be improved, so that children in her country could thrive and grow to their full potential.

64. **The Chairperson** said she wished to thank the members of the delegation for their cooperation and hoped that their work to help children in their country would continue.

The meeting rose at 12.50 p.m.